

1                   **UNITED STATES DISTRICT COURT**  
2                   **DISTRICT OF NEVADA**

3           UNITED STATES OF AMERICA,

4                   Plaintiff,

5                   vs.

6           MARK ALAN STONEKING,

7                   Defendant.

Case No. 2:17-cr-00104-RFB

**Preliminary Order of Forfeiture**

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
MAR - 1 2018	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

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9           This Court finds that defendant Mark Alan Stoneking pled guilty to Count  
10 One of a Five-Count Superseding Criminal Indictment charging him with Receipt  
11 and Distribution of Child Pornography in violation of Title 18, United States Code,  
12 Section 2252A(a)(2). Superseding Criminal Indictment, ECF No. 21; Change of Plea,  
13 ECF No. 28; Plea Agreement, ECF No. 31.

14           This Court finds defendant Mark Alan Stoneking agreed to the forfeiture of  
15 the property set forth in the Plea Agreement and the Forfeiture Allegation of the  
16 Superseding Criminal Indictment. Superseding Criminal Indictment, ECF No. 21;  
17 Change of Plea, ECF No. 38; Plea Agreement, ECF No. 37.

18           This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United  
19 States of America has shown the requisite nexus between property set forth in the  
20 Plea Agreement and the Forfeiture Allegation of the Superseding Criminal  
21 Indictment and the offense to which defendant Mark Alan Stoneking pled guilty.

22           The following property is (1) any visual depiction described in Title 18, United  
23 States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or

1 other matter which contains any such visual depiction, which was produced,  
2 transported, mailed, shipped or received in violation of Title 18, United States Code,  
3 Section 2252A(a)(2) and (2) any property, real or personal, used or intended to be  
4 used to commit or to promote the commission of Title 18, United States Code, Section  
5 2252A(a)(2) or any property traceable to such property, and is subject to forfeiture  
6 pursuant to Title 18, United States Code, Section 2253(a)(1) and (a)(3):

- 7 1. a Toshiba P875-57102 laptop, bearing S/N 30358777Q;
- 8 2. a Western Digital MyPassport external hard drive, bearing S/N  
9 WEA1A5333961;
- 10 3. a black SanDisk Micro SD Card 16 GB (no S/N);
- 11 4. a Samsung Galaxy Note 4 cell phone, bearing S/N A3LSMN910P; and
- 12 5. a Samsung Galaxy S7 Edge cell phone, bearing S/N A3LSMG935US  
13 (all of which constitutes property).

14 This Court finds the United States of America is now entitled to, and should,  
15 reduce the aforementioned property to the possession of the United States of  
16 America.

17 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
18 DECREED that the United States of America should seize the aforementioned  
19 property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title,  
21 and interest of Mark Alan Stoneking in the aforementioned property is forfeited and  
22 is vested in the United States of America and shall be safely held by the United  
23 States of America until further order of the Court.

1       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United  
2 States of America shall publish for at least thirty (30) consecutive days on the official  
3 internet government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order,  
4 which shall describe the forfeited property, state the time under the applicable  
5 statute when a petition contesting the forfeiture must be filed, and state the name  
6 and contact information for the government attorney to be served with the petition,  
7 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section  
8 853(n)(2).

9       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any  
10 individual or entity who claims an interest in the aforementioned property must file  
11 a petition for a hearing to adjudicate the validity of the petitioner's alleged interest  
12 in the property, which petition shall be signed by the petitioner under penalty of  
13 perjury pursuant to Title 21, United States Code, Section 853(n)(3) and Title 28,  
14 United States Code, Section 1746, and shall set forth the nature and extent of the  
15 petitioner's right, title, or interest in the forfeited property and any additional facts  
16 supporting the petitioner's petition and the relief sought.

17       IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
18 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las  
19 Vegas, Nevada 89101, no later than thirty (30) days after the notice is sent or, if  
20 direct notice was not sent, no later than sixty (60) days after the first day of the  
21 publication on the official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).  
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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
2 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United  
3 States Attorney's Office at the following address at the time of filing:

4 Michael A. Humphreys  
Assistant United States Attorney  
5 Daniel D. Hollingsworth  
Assistant United States Attorney  
6 501 Las Vegas Boulevard South, Suite 1100  
Las Vegas, Nevada 89101.  
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8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice  
9 described herein need not be published in the event a Declaration of Forfeiture is  
10 issued by the appropriate agency following publication of notice of seizure and intent  
11 to administratively forfeit the above-described property.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk  
13 send copies of this Order to all counsel of record.

14 DATED this 1<sup>st</sup> day of March, 2018.

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17 HONORABLE RICHARD F. BOULWARE  
18 UNITED STATES DISTRICT JUDGE  
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